

Application granted. The deadline by which the parties shall complete fact discovery is adjourned to May 31, 2021. The conference currently scheduled for January 13, 2022 at 11:30 a.m. is adjourned to June 30, 2022 at 11:30 a.m. At that conference, the parties shall advise the Court regarding (1) the status of discovery; (2) whether expert discovery will be necessary; and (3) whether the parties anticipate engaging in motion practice.

The Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 61.

SO ORDERED.

**BY EC**



The Hon. Philip M. Halpern  
 United States District Judge

300 Quad  
 White Plains, New York  
 Dated: White Plains, New York  
 January 6, 2022

Re: *Michael Giles v. City of Mount Vernon, et al.*, 20 CV 05119 (PMH)

Dear Judge Halpern:

I represent the plaintiff in the above referenced civil rights action. I write on behalf of the parties, who jointly request an enlargement of certain deadlines in the Civil Case Discovery Plan and Scheduling Order, as well as an adjournment of the case management conference scheduled for January 13, 2022 at 11:30 a.m. There are a number of reasons for this request.

Since the parties last wrote the Court and sought an extension of the deadlines in the Scheduling Order (ECF Doc. 58), which was granted (ECF Doc. 59), the parties have cooperated in discovery, and have no disputes. As previously noted, we had recently learned that Mr. Giles was in custody on a federal matter, and we have since had communications with him in custody that were limited in time, but that have facilitated ongoing good faith efforts to attempt to settle this case over recent weeks that remain ongoing.

The parties do require additional time to schedule and complete depositions. In the ensuing weeks since we wrote the Court, my time was significantly impacted by a personal family medical emergency -- the substantial escalation of my father's cancer -- which became particularly emergent in November through his passing approximately 3 weeks ago.

Since last writing the Court, another highly relevant unanticipated intervening development occurred as well. In particular, on December 3, 2021, the Justice Department launched an investigation of the Mount Vernon Police Department.<sup>1</sup> As there is apparently substantial overlap in the Justice Department's investigation and the claims in this case, including plaintiff's *Monell* claim, additional time is necessary for the plaintiff to confirm how best to proceed in this regard.<sup>2</sup>

Under all of the circumstances, including that numerous law enforcement agencies were involved in the underlying incident, as well as non-parties, and the parties thus anticipate that at least 10 to 20 depositions will be necessary to ready this case for motion practice and/or trial, and given that relevant evidence appears likely to be generated in the course of the DOJ

<sup>1</sup> <https://www.justice.gov/opa/pr/justice-department-launches-investigation-mount-vernon-police-department>

<sup>2</sup> For the avoidance of doubt, the Mount Vernon defendants do not claim the DOJ matter will in any way impede discovery from progressing.

investigation and/or may otherwise impact this litigation, we respectfully request that the Court permit the parties to complete fact discovery by May 31, 2022, and that the case management conference scheduled for January 13, 2022 at 11:30 a.m. be rescheduled until a date and time after fact that discovery that is convenient for the Court, at which time expert discovery and any contemplated dispositive motion practice can be addressed.

I can assure the Court that the parties are anxious to proceed, but given all of the circumstances are unanimous that additional time is necessary to adequately and fully complete fact discovery.

Thank you for your consideration.

Respectfully,

*Brett Klein*

Brett H. Klein

cc: All Counsel (by ECF)